

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1680.01  
**COMPLAINT INVESTIGATOR:** John Hill  
**DATE OF COMPLAINT:** February 1, 2001  
**DATE OF REPORT:** February 27, 2001  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** March 21, 2001

**COMPLAINT ISSUES:**

Whether the Griffith Public Schools and the Northwest Indiana Special Education Cooperative violated:

- 511 IAC 7-27-4(a)(3) with regard to the school's alleged failure to convene a case conference committee (CCC) meeting upon the parent's request.
- 511 IAC 7-18-2(a) with regard to the school's alleged failure to provide a free appropriate public education in conformity with an individualized education program (IEP) that meets the requirements of Article 7.
- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's IEP as written.
- 511 IAC 7-27-9(b) with regard to the school's alleged failure to make available to a student with a disability the variety of educational programs and services it makes available to nondisabled students, specifically, field trips, computer instruction, and recess; as well as nonacademic and extracurricular services and activities to the maximum extent appropriate, specifically meals.
- 511 IAC 7-21-6(b) with regard to the school's alleged failure to provide a student with disabilities instructional materials and supplies comparable to those provided to nondisabled students, specifically scissors.
- 511 IAC 7-25-7(b) with regards to the school's alleged failure to complete an additional evaluation requested by the parent, specifically a request for a functional behavioral assessment.

**FINDINGS OF FACT:**

1. The student is an eleven-year-old, fifth-grader who has been determined eligible for special education and related services due to an Emotional Disability (ED).
2. The student's parent requested a CCC on January 22, 2001. The parent was given two dates as options, February 13, 2001 and February 20, 2001 to convene the CCC. The February 20, 2001 date was selected by the parent.
3. The student's CCC was convened on February 20, 2001.

4. The student's revised IEP/CCC summary dated January 16, 2001 states:
  - a. full time placement in ED classroom due to increased needs;
  - b. half-day school program; and
  - c. non-participation in non-academic and extracurricular activities with non-disabled peers due to current unpredictable emotional management.
5. The student, as of January 17, 2001:
  - a. attends a half-day school program in an ED classroom ; and
  - b. does not receive instruction, attend recess, eat lunch, attend field trips or participate in any other general education activities with non-disabled peers.
6. The student participated in recess, lunch, and field trips with non-disabled students prior to January 17, 2001. Since January 17, 2001, the student has participated in recess and lunch, but not with non-disabled peers.
7. The student has access to a computer in the EH classroom. The student has the opportunity to use the computer lab on Fridays from 9:45 to 10:25, if the student has completed his work for the week.
8. The student has access to scissors when needed.
9. The student's functional behavioral assessment was completed prior to and reviewed at the January 16, 2001 CCC meeting and incorporated into the student's January 16, 2001, IEP.

#### **CONCLUSIONS:**

1. Findings of Fact #2 and #3 reflect that the school scheduled and convened the student's CCC as requested by the parent. Therefore, no violation of 511 IAC 7-27-4(a)(3) is found.
2. Findings of Fact #4, #5, and #6 demonstrate that the school provided a free appropriate public education in conformity with the student's IEP. Therefore, no violation of 511 IAC 7-18-2(a) is found.
3. Findings of Fact #4, #5, and #6 establish that the school implemented the student's IEP as written. Therefore, no violation of 511 IAC 7-27-7(a) is found.
4. Findings of Fact #4, #5, #6, and #7 indicate that the student does have access to a computer and participates in lunch, recess and field trips as specified in the student's IEP. Therefore, no violation of 511 IAC 7-27-9(b) is found.
5. Finding of Fact #8 reflects that the student has access to scissors. Therefore, no violation of 511 IAC 7-21-6(b) is found.
6. Finding of Fact #9 demonstrates that the functional behavioral assessment requested by the parent was completed and incorporated into the student's January 16, 2001 IEP. Therefore, no violation of 511 IAC 7-25-7(b) is found.

**The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.**

